

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Rejections Under 35 USC § 102(b) and 103(a)

Applicants submit that the presently amended claims overcome the rejection of record. Example 5 described in Elfers (US 3,496,238) differs from the present invention in using a large amount of toluene as a solvent. Use of solvent adversely affects the formability characteristics (e.g., void) of fiber reinforced plastics, because it is necessary to evaporate solvent for forming. A shape memory polymer composition according to claim 1, which is not cured, includes no solvent, and further differs from the solution of example 5 with respect to solvent such as toluene in viscosity, pot life, and Tg. Applicants note that the present invention may include a small amount of ordinary additives such as fillers, organic components, and diluents. (See, for example, page 13, lines 15-19 of the present specification). Accordingly, applicants submit that claim 1 is not anticipated by Elfers and request withdrawal of the present rejection.

Finally, with respect to the rejection of claims 6-9 for obviousness, applicants first note that US Patent No. 6,787,226 ("Niino") did not issue until September 7, 2004, which is after the earliest priority date of the this application. Therefore, Niino is not prior art under 35 U.S.C. 103(a). Moreover, even if this reference was to be considered prior art, applicants believe that the person skilled in the art would not have been motivated to arrive at the invention of claim 6 by combining Elfers with Niino, and this combination of references does not teach all of the elements of the claims. Although Niino describes a molded product comprising chopped strands and a matrix resin, polyurethane is included in a sizing agent which is used for producing the chopped strands, not in the matrix resin. Niino describes that the matrix resin is an unsaturated polyester, not polyurethane (See claims 1 and 9 and column 3, lines 1-18 of Niino). Claim 6 of the present application clearly defines the shape memory polymer composition as a matrix resin. Accordingly, claim 6 is different from the combination of Elfers and Niino.

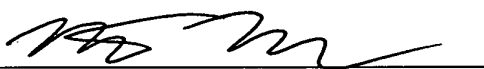
Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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